



U.S. Department of Justice

United States Attorney  
District of Massachusetts

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
2006 FEB 10 A 11:26

Main Reception: (413) 785-0235  
Fax: (413) 785-0394

Federal Building & Courthouse  
Main Street, Room 310  
Springfield, Massachusetts 01103

February 10, 2006

C. Jeffrey Kinder, Esq.  
64 Gothic Street  
Northampton, MA 01060

Re: United States v. Jose Rodriguez  
Criminal No. 05-30034-MAP

Dear Attorney Kinder:

In accordance with the government's continuing discovery obligations pursuant to Local Rule 116.1(C) and 116.2(B) and Fed. R. Crim. P. 16(a)(1), I am providing you with the following information.

On June 2, 2005, before his grand jury testimony and during his grand jury testimony CW Julian Rios was shown a photographic lineup which consisted of photographs of 28 males. Rios identified Tito Rodriguez's photograph as the person from whom he purchased crack on December 7, 2004. Based upon that identification and other evidence an Indictment was returned against Tito Rodriguez. The government now believes, based in part upon a review of the DVD of the deal, that Rios misidentified Rodriguez. As a result the government has filed a motion to dismiss the Indictment against Rodriguez.

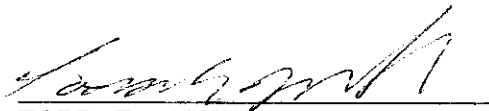
Please feel free to call me at (413) 785-0235 if you

have any questions about the above information.

Very truly yours,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
TODD E. NEWHOUSE  
Assistant U.S. Attorney

cc: ✓ Bethany Healy,  
Courtroom Clerk  
Hon. Kenneth P. Neiman  
United States Magistrate Judge